

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TIFFANY LLOYD	§	
Plaintiff	§	
	§	
VS.	§	CIVIL ACTION NO. 6:16-CV-922
	§	
TURNER CONSTRUCTION COMPANY	§	JURY TRIAL DEMANDED
Defendant	§	

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE:

Plaintiff, Tiffany Lloyd, files this Original Complaint complaining of Turner Construction Company, Defendant.

**I.
PARTIES, JURISDICTION AND VENUE**

1. This action is brought in this Court under the provisions of 28 U.S.C. §1332(a)(1), because Plaintiff and Defendant are citizens of different states, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

2. Venue is proper in the Eastern District Court pursuant to section 28 U.S.C. 1391(b)(2) in that a substantial part of the events or omissions giving rise to this claim occurred in the Eastern District of Texas, and 28 U.S.C. 1391(a) & (c). In particular, Defendant is a corporation based out of New York that maintains a presence in this district, which presence is sufficient to establish personal jurisdiction over said Defendant.

3. Parties to this suit are:

Plaintiff: Tiffany Lloyd is an individual who resides in Tyler, Smith County, Texas.

Defendant: Turner Construction Company is a New York corporation who may be served by serving its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

II. NATURE OF THE ACTION

4. On or about July 23, 2014, Plaintiff Tiffany Lloyd was a passenger on a 2007 Aprilia motorcycle with Jonathan Browning, the driver. They were traveling eastbound on East Erwin Street in Tyler, Texas and were driving past the Smith County Jail Addition building, a new structure being constructed by Turner Construction Company. Turner had placed temporary fencing around the building which consisted of metal bracing held down by sandbags. As Mr. Browning and Ms. Lloyd were driving past the building, a portion of the fencing came loose, flew into the roadway hitting Mr. Browning and Ms. Lloyd, knocking them off the motorcycle, and causing them injuries.

5. Turner Construction Company was negligent in the manner in which it constructed the fencing by failing to properly secure same to the property where the construction was taking place so as to not come loose and be a hazard to the public, such as Ms. Lloyd. Said negligence proximately caused the severe and traumatic injuries and damages to Ms. Lloyd.

III. ACTUAL DAMAGES

6. Tiffany Lloyd was 25 years old at the time of her injuries, the effects of which will continue for the remainder of her life. She was in good health and enjoyed an outgoing lifestyle. Before her injuries, Ms. Lloyd was industrious and energetic. As a result of the negligent and careless actions of Defendant, Ms. Lloyd has suffered serious injury to her shoulder, neck and body generally.

7. Ms. Lloyd seeks damages which will reasonably and fairly compensate her for the

following losses:

- a. Past and future physical pain and mental anguish, meaning the conscious physical pain and emotional pain, torment and suffering, experienced by her as a result of the occurrence in question;
- b. Medical expenses, meaning the medical expenses which have been incurred on behalf of the medical care for Ms. Lloyd in the past, and which will in reasonable probability be incurred in the future;
- c. Physical impairment, both past and future; and
- d. Loss of earnings and loss of earning capacity, past and future

PRAYER

8. Plaintiff requests that the Defendant be cited to appear and answer, and that on final trial Plaintiff have:

- a. All actual, economic and compensatory damages in an amount in excess of the minimum jurisdictional limits of the Court;
- b. Prejudgment and postjudgment interest at the legal rate, costs of court, and
- c. Such other and further relief as Plaintiff may be entitled to receive.

JURY DEMAND

9. Plaintiff makes a demand for a jury trial in accordance with Federal Rules of Civil Procedure 38.

Respectfully submitted,

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